

## Calendar No. 785

110TH CONGRESS  
2D SESSION**S. 827****[Report No. 110–353]**

To establish the Freedom’s Way National Heritage Area in the States of  
Massachusetts and New Hampshire, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 2007

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. SUNUNU) introduced the fol-  
lowing bill; which was read twice and referred to the Committee on En-  
ergy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To establish the Freedom’s Way National Heritage Area  
in the States of Massachusetts and New Hampshire,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Freedom’s Way Na-  
5       tional Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 ~~(a) FINDINGS.—~~Congress finds as follows:

3 ~~(1)~~ The cultural and natural legacies of an area  
4 encompassing 37 communities in Massachusetts and  
5 8 communities in New Hampshire have made impor-  
6 tant and distinctive contributions to the national  
7 character of America.

8 ~~(2)~~ Recognizing and protecting those legacies  
9 will help sustain the quality of life in the future.

10 ~~(3)~~ Significant legacies of the area include—

11 ~~(A)~~ the early settlement of the United  
12 States and the early evolution of democratic  
13 forms of government;

14 ~~(B)~~ the development of intellectual tradi-  
15 tions of the philosophies of freedom, democracy,  
16 and conservation;

17 ~~(C)~~ the evolution of social ideas and reli-  
18 gious freedom;

19 ~~(D)~~ the role of immigrants and industry in  
20 contributing to ethnic diversity;

21 ~~(E)~~ Native American and African Amer-  
22 ican resources; and

23 ~~(F)~~ the role of innovation and invention in  
24 cottage industries.

25 ~~(4)~~ The communities in the area know the value  
26 of the legacies but need a cooperative framework

1 and technical assistance to achieve important goals  
2 by working together.

3 ~~(5) There is a Federal interest in supporting~~  
4 ~~the development of a regional framework to assist~~  
5 ~~the States, local governments, local organizations,~~  
6 ~~and other persons in the region with conserving, pro-~~  
7 ~~tecting, and bringing recognition to the heritage of~~  
8 ~~the area for the educational and recreational benefit~~  
9 ~~of future generations of Americans.~~

10 ~~(6) Significant examples of the area's resources~~  
11 ~~include—~~

12 ~~(A) Walden Pond State Reservation in~~  
13 ~~Concord, Massachusetts;~~

14 ~~(B) Minute Man National Historical Park~~  
15 ~~in the State of Massachusetts;~~

16 ~~(C) Shaker Villages in Shirley and Har-~~  
17 ~~vard in the State of Massachusetts;~~

18 ~~(D) Wachusett Mountain State Reserva-~~  
19 ~~tion, Fitchburg Art Museum, and Barrett~~  
20 ~~House in New Ipswich, New Hampshire; and~~

21 ~~(E) Beaver Brook Farms and Lost City of~~  
22 ~~Monson in Hollis, New Hampshire.~~

23 ~~(7) The study entitled "Freedom's Way Herit-~~  
24 ~~age Area Feasibility Study", prepared by the Free-~~  
25 ~~dom's Way Heritage Association, Inc., and the Mas-~~

1       sachusetts Department of Environmental Manage-  
 2       ment, demonstrates that there are sufficient nation-  
 3       ally distinctive historical resources necessary to es-  
 4       tablish the Freedom's Way National Heritage Area.

5       (8) The Freedom's Way Heritage Association,  
 6       Inc., should oversee the development of the Free-  
 7       dom's Way National Heritage Area.

8       (b) PURPOSES.—The purposes of this Act are—

9       (1) to foster a close working relationship be-  
 10      tween the Secretary and all levels of government, the  
 11      private sector, and local communities in the States  
 12      of Massachusetts and New Hampshire;

13      (2) to assist the entities referred to in para-  
 14      graph (1) in preserving the special historic identity  
 15      of the Heritage Area; and

16      (3) to manage, preserve, protect, and interpret  
 17      the cultural, historical, and natural resources of the  
 18      Heritage Area for the educational and inspirational  
 19      benefit of future generations.

20   **SEC. 3. DEFINITIONS.**

21       In this Act:

22      (1) HERITAGE AREA.—The term “Heritage  
 23      Area” means the Freedom's Way National Heritage  
 24      Area established by section 4(a).

1           (2) MANAGEMENT ENTITY.—The term “man-  
2           agement entity” means the management entity for  
3           the Heritage Area designated by section 4(d).

4           (3) MANAGEMENT PLAN.—The term “manage-  
5           ment plan” means the management plan for the  
6           Heritage Area developed under section 5.

7           (4) MAP.—The term “Map” means the map en-  
8           titled “\_\_\_\_\_”, numbered  
9           \_\_\_\_\_ and dated  
10          \_\_\_\_\_.

11          (5) SECRETARY.—The term “Secretary” means  
12          the Secretary of the Interior.

13 **SEC. 4. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

14          (a) ESTABLISHMENT.—There is established the Free-  
15          dom’s Way National Heritage Area in the States of Mas-  
16          sachusetts and New Hampshire.

17          (b) BOUNDARIES.—

18               (1) IN GENERAL.—The Heritage Area shall  
19               consist of the land within the boundaries of the Her-  
20               itage Area, as depicted on the Map.

21               (2) REVISION.—The boundaries of the Heritage  
22               Area may be revised if the revision is—

23                       (A) proposed in the management plan;

24                       (B) approved by the Secretary in accord-  
25                       ance with section 5(c); and

1                   (C) placed on file in accordance with sub-  
2                   section (c).

3           (c) MAP AND LEGAL DESCRIPTION.—

4                   (1) IN GENERAL.—As soon as practicable after  
5                   the date of the enactment of this Act, the Secretary  
6                   shall publish in the Federal Register a legal descrip-  
7                   tion of the Heritage Area.

8                   (2) AVAILABILITY.—The Map shall be on file  
9                   and available for public inspection in the appropriate  
10                  offices of the National Park Service.

11           (d) MANAGEMENT ENTITY.—The Freedom's Way  
12           Heritage Association, Inc. shall serve as the management  
13           entity for the Heritage Area.

14   **SEC. 5. MANAGEMENT PLAN.**

15           (a) IN GENERAL.—Not later than 3 years after the  
16           date of the enactment of this Act, the management entity  
17           shall develop and submit to the Secretary for approval a  
18           management plan for the Heritage Area that presents  
19           comprehensive recommendations and strategies for the  
20           conservation, funding, management, and development of  
21           the Heritage Area.

22           (b) REQUIREMENTS.—The management plan shall—

23                   (1) take into consideration and coordinate Fed-  
24                   eral, State, and local plans to present a unified his-  
25                   toric preservation and interpretation plan;

1           (2) involve residents, public agencies, and pri-  
 2       vate organizations in the Heritage Area;

3           (3) describe actions that units of government  
 4       and private organizations recommend for the protec-  
 5       tion of the resources of the Heritage Area;

6           (4) identify existing and potential sources of  
 7       Federal and non-Federal funding for the conserva-  
 8       tion, management, and development of the Heritage  
 9       Area; and

10          (5) include—

11               (A) an inventory of the cultural, historic,  
 12               natural, or recreational resources contained in  
 13               the Heritage Area, including a list of property  
 14               that—

15                       (i) is related to the themes of the  
 16                       Heritage Area; and

17                       (ii) should be conserved, restored,  
 18                       managed, developed, or maintained;

19               (B) a recommendation of policies for re-  
 20       source management and protection that—

21                       (i) apply appropriate land and water  
 22                       management techniques;

23                       (ii) develop intergovernmental cooper-  
 24                       ative agreements to manage and protect  
 25                       the cultural, historic, and natural resources

1 and recreation opportunities of the Herit-  
2 age Area; and

3 (iii) support economic revitalization  
4 efforts;

5 (C) a program of strategies and actions to  
6 implement the management plan that—

7 (i) identifies the roles of agencies and  
8 organizations that are involved in the im-  
9 plementation of the management plan and  
10 the role of the management entity; and

11 (ii) includes—

12 (I) restoration and construction  
13 plans or goals;

14 (II) a program of public involve-  
15 ment;

16 (III) annual work plans; and

17 (IV) annual reports;

18 (D) an analysis of ways in which Federal,  
19 State, and local programs may best be coordi-  
20 nated to promote the purposes of this Act;

21 (E) an interpretive and educational plan  
22 for the Heritage Area;

23 (F) any revisions proposed by the manage-  
24 ment entity to the boundaries of the Heritage



1 Area and requested by the affected local gov-  
 2 ernment; and

3 ~~(G)~~ a process to provide public access to  
 4 the management entity for the purpose of at-  
 5 tempting to resolve informally any disputes  
 6 arising from the management plan.

7 ~~(c) FAILURE TO SUBMIT.~~—If the management entity  
 8 fails to submit the management plan to the Secretary in  
 9 accordance with subsection (a), the Heritage Area shall  
 10 no longer qualify for Federal funding.

11 ~~(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT~~  
 12 ~~PLAN.~~—

13 ~~(1) IN GENERAL.~~—Not later than 90 days after  
 14 receipt of the management plan under subsection  
 15 (a), the Secretary shall approve or disapprove the  
 16 management plan.

17 ~~(2) CRITERIA.~~—In determining whether to ap-  
 18 prove the management plan, the Secretary shall con-  
 19 sider whether—

20 ~~(A)~~ the management entity afforded ade-  
 21 quate opportunity, including public hearings,  
 22 for public and governmental involvement in the  
 23 preparation of the management plan;

24 ~~(B)~~ the resource protection and interpreta-  
 25 tion strategies contained in the management

1 plan would adequately protect the cultural and  
 2 historic resources of the Heritage Area; and

3 ~~(C) the Secretary has received adequate~~  
 4 ~~assurances from the appropriate State and local~~  
 5 ~~officials whose support is needed to ensure the~~  
 6 ~~effective implementation of the State and local~~  
 7 ~~aspects of the management plan.~~

8 ~~(3) ACTION FOLLOWING DISAPPROVAL.—If the~~  
 9 ~~Secretary disapproves the management plan under~~  
 10 ~~paragraph (1), the Secretary shall—~~

11 ~~(A) advise the management entity in writ-~~  
 12 ~~ing of the reasons for the disapproval;~~

13 ~~(B) make recommendations for revisions to~~  
 14 ~~the management plan; and~~

15 ~~(C) not later than 60 days after the receipt~~  
 16 ~~of any proposed revision of the management~~  
 17 ~~plan from the management entity; approve or~~  
 18 ~~disapprove the proposed revision.~~

19 ~~(e) AMENDMENTS.—~~

20 ~~(1) IN GENERAL.—In accordance with sub-~~  
 21 ~~section (b), the Secretary shall approve or dis-~~  
 22 ~~approve each amendment to the management plan~~  
 23 ~~that the Secretary determines may make a substan-~~  
 24 ~~tial change to the management plan.~~

1           (2) ~~USE OF FUNDS.~~—Funds made available  
 2           under this Act shall not be expended by the manage-  
 3           ment entity to implement an amendment described  
 4           in paragraph (1) until the Secretary approves the  
 5           amendment.

6   **SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE**  
 7           **MANAGEMENT ENTITY.**

8           (a) ~~AUTHORITIES.~~—The Management Entity may,  
 9           for purposes of preparing and implementing the manage-  
 10          ment plan, use funds made available under this Act to—

11           (1) make grants to, and enter into cooperative  
 12          agreements with, the States of Massachusetts and  
 13          New Hampshire (including a political subdivision), a  
 14          nonprofit organization, or any person;

15           (2) hire and compensate staff;

16           (3) obtain funds from any source (including a  
 17          program that has a cost-sharing requirement); and

18           (4) contract for goods and services.

19          (b) ~~DUTIES OF THE MANAGEMENT ENTITY.~~—In ad-  
 20          dition to developing the management plan, the manage-  
 21          ment entity shall—

22           (1) give priority to the implementation of ac-  
 23          tions, goals, and strategies set forth in the manage-  
 24          ment plan, including assisting units of government  
 25          and other persons in—

1           (A) carrying out the programs that recog-  
2           nize and protect important resource values in  
3           the Heritage Area;

4           (B) encouraging economic viability in the  
5           Heritage Area in accordance with the goals of  
6           the management plan;

7           (C) establishing and maintaining interpre-  
8           tive exhibits in the Heritage Area;

9           (D) developing recreational and edu-  
10          cational opportunities in the Heritage Area;

11          (E) increasing public awareness of and ap-  
12          preciation for the cultural, historical, and nat-  
13          ural resources of the Heritage Area;

14          (F) restoring historic buildings that are—

15               (i) located in the Heritage Area; and

16               (ii) relate to the themes of the Herit-  
17          age Area; and

18          (G) installing throughout the Heritage  
19          Area clear, consistent, and appropriate signs  
20          identifying public access points and sites of in-  
21          terest;

22          (2) prepare and implement the management  
23          plan while considering the interests of diverse units  
24          of government, businesses, private property owners,  
25          and nonprofit groups within the Heritage Area;

1           ~~(3)~~ conduct public meetings at least quarterly  
 2           regarding the development and implementation of  
 3           the management plan;

4           ~~(4)~~ for any fiscal year for which Federal funds  
 5           are received under this Act—

6                   ~~(A)~~ submit to the Secretary a report that  
 7                   describes, for the year—

8                           (i) the accomplishments of the man-  
 9                           agement entity;

10                           (ii) the expenses and income of the  
 11                           management entity; and

12                           (iii) each entity to which a grant was  
 13                           made;

14                   ~~(B)~~ make available for audit by Congress,  
 15                   the Secretary, and appropriate units of govern-  
 16                   ment, all records pertaining to the expenditure  
 17                   of the funds and any matching funds; and

18                   ~~(C)~~ require, for all agreements authorizing  
 19                   expenditure of Federal funds by any entity,  
 20                   that the receiving entity make available for  
 21                   audit all records pertaining to the expenditure  
 22                   of the funds.

23           ~~(e) PROHIBITION ON THE ACQUISITION OF REAL~~  
 24           ~~PROPERTY.—~~The management entity shall not use Fed-

1 eral funds made available under this Act to acquire real  
 2 property or any interest in real property.

3 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
 4 **FEDERAL AGENCIES.**

5 ~~(a) TECHNICAL AND FINANCIAL ASSISTANCE.—~~

6 ~~(1) IN GENERAL.—~~On the request of the man-  
 7 agement entity, the Secretary may provide technical  
 8 and financial assistance for the development and im-  
 9 plementation of the management plan.

10 ~~(2) PRIORITY FOR ASSISTANCE.—~~In providing  
 11 assistance under paragraph (1), the Secretary shall  
 12 give priority to actions that assist in—

13 ~~(A)~~ conserving the significant cultural, his-  
 14 toric, and natural resources of the Heritage  
 15 Area; and

16 ~~(B)~~ providing educational, interpretive, and  
 17 recreational opportunities consistent with the  
 18 purposes of the Heritage Area.

19 ~~(3) SPENDING FOR NON-FEDERAL PROPERTY.—~~

20 The management entity may expend Federal funds  
 21 made available under this Act on nonfederally owned  
 22 property that is—

23 ~~(A)~~ identified in the management plan; or

24 ~~(B)~~ listed or eligible for listing on the Na-  
 25 tional Register of Historic Places.

1           (4) OTHER ASSISTANCE.—The Secretary may  
2       enter into cooperative agreements with public and  
3       private organizations to carry out this subsection.

4           (b) OTHER FEDERAL AGENCIES.—Any Federal enti-  
5       ty conducting or supporting an activity that directly af-  
6       fects the Heritage Area shall—

7           (1) consider the potential effect of the activity  
8       on the purposes of the Heritage Area and the man-  
9       agement plan;

10          (2) consult with the management entity regard-  
11       ing the activity; and

12          (3) to the maximum extent practicable, conduct  
13       or support the activity to avoid adverse effects on  
14       the Heritage Area.

15       **SEC. 8. LAND USE REGULATION; APPLICABILITY OF FED-**  
16               **ERAL LAW.**

17       (a) LAND USE REGULATION.—

18           (1) IN GENERAL.—The management entity  
19       shall provide assistance and encouragement to State  
20       and local governments, private organizations, and  
21       persons to protect and promote the resources and  
22       values of the Heritage Area.

23           (2) EFFECT.—Nothing in this Act—

1           ~~(A)~~ affects the authority of the State or  
 2           local governments to regulate under law any use  
 3           of land; or

4           ~~(B)~~ grants any power of zoning or land use  
 5           to the management entity.

6       ~~(b) PRIVATE PROPERTY.—~~

7           ~~(1) IN GENERAL.—~~The management entity  
 8           shall be an advocate for land management practices  
 9           consistent with the purposes of the Heritage Area.

10          ~~(2) EFFECT.—~~Nothing in this Act—

11           ~~(A)~~ abridges the rights of any person with  
 12           regard to private property;

13           ~~(B)~~ affects the authority of the State or  
 14           local government regarding private property; or

15           ~~(C)~~ imposes any additional burden on any  
 16           property owner.

17   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18       ~~(a) IN GENERAL.—~~There is authorized to be appro-  
 19       priated to carry out this Act \$10,000,000, of which not  
 20       more than \$1,000,000 may be authorized to be appro-  
 21       priated for any fiscal year.

22       ~~(b) COST-SHARING REQUIREMENT.—~~The Federal  
 23       share of the total cost of any activity assisted under this  
 24       Act shall be not more than 50 percent.



1 **SEC. 10. TERMINATION OF AUTHORITY.**

2       The authority of the Secretary to provide assistance  
3 under this Act terminates on the date that is 15 years  
4 after the date of the enactment of this Act.

5 **SECTION 1. SHORT TITLE.**

6       *This Act may be cited as the “Freedom’s Way National*  
7 *Heritage Area Act”.*

8 **SEC. 2. PURPOSES.**

9       *The purposes of this Act are—*

10           *(1) to foster a close working relationship between*  
11 *the Secretary and all levels of government, the private*  
12 *sector, and local communities in the States of Massa-*  
13 *chusetts and New Hampshire;*

14           *(2) to assist the entities described in paragraph*  
15 *(1) to preserve the special historic identity of the Her-*  
16 *itage Area; and*

17           *(3) to manage, preserve, protect, and interpret*  
18 *the cultural, historic, and natural resources of the*  
19 *Heritage Area for the educational and inspirational*  
20 *benefit of future generations.*

21 **SEC. 3. DEFINITIONS.**

22       *In this Act:*

23           *(1) HERITAGE AREA.—The term “Heritage*  
24 *Area” means the Freedom’s Way National Heritage*  
25 *Area established by section 4(a).*

1           (2) *LOCAL COORDINATING ENTITY.*—*The term*  
 2           *“local coordinating entity” means the local coordi-*  
 3           *nating entity for the Heritage Area designated by sec-*  
 4           *tion 4(d).*

5           (3) *MANAGEMENT PLAN.*—*The term “manage-*  
 6           *ment plan” means the management plan for the Her-*  
 7           *itage Area required under section 5(a)(1).*

8           (4) *MAP.*—*The term “map” means the map enti-*  
 9           *tled “Freedom’s Way National Heritage Area”, num-*  
 10          *bered T04/80,000, and dated July 2007.*

11          (5) *SECRETARY.*—*The term “Secretary” means*  
 12          *the Secretary of the Interior.*

13 ***SEC. 4. ESTABLISHMENT.***

14          (a) *IN GENERAL.*—*There is established the Freedom’s*  
 15          *Way National Heritage Area in the States of Massachusetts*  
 16          *and New Hampshire.*

17          (b) *BOUNDARIES.*—

18               (1) *IN GENERAL.*—*The boundaries of the Herit-*  
 19               *age Area shall be as generally depicted on the map.*

20               (2) *REVISION.*—*The boundaries of the Heritage*  
 21               *Area may be revised if the revision is—*

22                       (A) *proposed in the management plan;*

23                       (B) *approved by the Secretary in accord-*  
 24                       *ance with section 6(d); and*

1                   (C) placed on file in accordance with sub-  
2                   section (c).

3           (c) *AVAILABILITY OF MAP.*—The map shall be on file  
4 and available for public inspection in the appropriate of-  
5 fices of the National Park Service and the local coordi-  
6 nating entity.

7           (d) *LOCAL COORDINATING ENTITY.*—The Freedom's  
8 Way Heritage Association, Inc., shall be the local coordi-  
9 nating entity for the Heritage Area.

10 **SEC. 5. DUTIES AND AUTHORITIES OF LOCAL COORDI-**  
11 **NATING ENTITY.**

12           (a) *DUTIES OF THE LOCAL COORDINATING ENTITY.*—  
13 To further the purposes of the Heritage Area, the local co-  
14 ordinating entity shall—

15                   (1) prepare, and submit to the Secretary, in ac-  
16 cordance with section 6, a management plan for the  
17 Heritage Area;

18                   (2) assist units of local government, regional  
19 planning organizations, and nonprofit organizations  
20 in implementing the approved management plan  
21 by—

22                           (A) carrying out programs and projects  
23 that recognize and protect important resource  
24 values within the Heritage Area;

1           (B) establishing and maintaining interpre-  
2           tive exhibits and programs within the Heritage  
3           Area;

4           (C) developing recreational and educational  
5           opportunities in the Heritage Area;

6           (D) increasing public awareness of, and ap-  
7           preciation for, natural, historic, and cultural re-  
8           sources of the Heritage Area;

9           (E) protecting and restoring historic build-  
10          ings in the Heritage Area that are consistent  
11          with the themes of the Heritage Area; and

12          (F) ensuring that signs identifying points  
13          of public access and sites of interest are posted  
14          throughout the Heritage Area;

15          (3) consider the interests of diverse units of gov-  
16          ernment, businesses, organizations, and individuals  
17          in the Heritage Area in the preparation and imple-  
18          mentation of the management plan;

19          (4) conduct meetings open to the public at least  
20          quarterly regarding the development and implementa-  
21          tion of the management plan;

22          (5) submit an annual report to the Secretary for  
23          each fiscal year for which the local coordinating enti-  
24          ty receives Federal funds under this Act specifying—

1                   (A) the accomplishments of the local coordi-  
2                   nating entity;

3                   (B) the expenses and income of the local co-  
4                   ordinating entity;

5                   (C) the amounts and sources of matching  
6                   funds;

7                   (D) the amounts leveraged with Federal  
8                   funds and sources of the leveraged funds; and

9                   (E) grants made to any other entities dur-  
10                  ing the fiscal year;

11                (6) make available for audit for each fiscal year  
12                for which the local coordinating entity receives Fed-  
13                eral funds under this Act, all information pertaining  
14                to the expenditure of the funds and any matching  
15                funds;

16                (7) require in all agreements authorizing expend-  
17                itures of Federal funds by other organizations, that  
18                the receiving organizations make available for audit  
19                all records and other information pertaining to the  
20                expenditure of the funds; and

21                (8) encourage, by appropriate means, economic  
22                development that is consistent with the purposes of  
23                the Heritage Area.

24                (b) *AUTHORITIES.*—The local coordinating entity  
25                may, subject to the prior approval of the Secretary, for the

1 purposes of preparing and implementing the management  
 2 plan, use Federal funds made available under this Act to—

3 (1) make grants to the States of Massachusetts  
 4 and New Hampshire, political subdivisions of the  
 5 States, nonprofit organizations, and other persons;

6 (2) enter into cooperative agreements with, or  
 7 provide technical assistance to, the States of Massa-  
 8 chusetts and New Hampshire, political subdivisions of  
 9 the States, nonprofit organizations, Federal agencies,  
 10 and other interested parties;

11 (3) hire and compensate staff;

12 (4) obtain funds or services from any source, in-  
 13 cluding funds and services provided under any other  
 14 Federal law or program;

15 (5) contract for goods or services; and

16 (6) support activities of partners and any other  
 17 activities that further the purposes of the Heritage  
 18 Area and are consistent with the approved manage-  
 19 ment plan.

20 (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*  
 21 *ERTY.*—The local coordinating entity may not use Federal  
 22 funds received under this Act to acquire any interest in real  
 23 property.

24 (d) *USE OF FUNDS FOR NON-FEDERAL PROPERTY.*—  
 25 The local coordinating entity may use Federal funds made

1 *available under this Act to assist non-Federal property that*  
 2 *is—*

3 *(1) described in the management plan; or*

4 *(2) listed, or eligible for listing, on the National*  
 5 *Register of Historic Places.*

6 **SEC. 6. MANAGEMENT PLAN.**

7 *(a) IN GENERAL.—Not later than 3 years after the*  
 8 *date on which funds are made available to develop the man-*  
 9 *agement plan, the local coordinating entity shall submit to*  
 10 *the Secretary for approval a proposed management plan*  
 11 *for the Heritage Area.*

12 *(b) REQUIREMENTS.—The management plan for the*  
 13 *Heritage Area shall—*

14 *(1) describe comprehensive policies, goals, strate-*  
 15 *gies, and recommendations for the conservation, fund-*  
 16 *ing, management, and development of the Heritage*  
 17 *Area;*

18 *(2) take into consideration existing State, coun-*  
 19 *ty, and local plans in the development and implemen-*  
 20 *tation of the management plan;*

21 *(3) provide a framework for coordination of the*  
 22 *plans considered under paragraph (2) to present a*  
 23 *unified historic preservation and interpretation plan;*

1           (4) contain the contributions of residents, public  
2           agencies, and private organizations within the Herit-  
3           age Area;

4           (5) include a description of actions and commit-  
5           ments that governments, private organizations, and  
6           citizens plan to take to protect, enhance, and inter-  
7           pret the natural, historic, scenic, and cultural re-  
8           sources of the Heritage Area;

9           (6) specify existing and potential sources of  
10          funding or economic development strategies to con-  
11          serve, manage, and develop the Heritage Area;

12          (7) include an inventory of the natural, historic,  
13          and recreational resources of the Heritage Area, in-  
14          cluding a list of properties that—

15                (A) are related to the themes of the Heritage  
16          Area; and

17                (B) should be conserved, restored, managed,  
18          developed, or maintained;

19          (8) recommend policies and strategies for re-  
20          source management that—

21                (A) apply appropriate land and water  
22          management techniques;

23                (B) include the development of intergovern-  
24          mental and interagency agreements to protect the



1           *natural, historic, and cultural resources of the*  
2           *Heritage Area; and*

3                     *(C) support economic revitalization efforts;*

4           *(9) describe a program for implementation of the*  
5           *management plan, including—*

6                     *(A) restoration and construction plans or*  
7           *goals;*

8                     *(B) a program of public involvement;*

9                     *(C) annual work plans; and*

10                    *(D) annual reports;*

11           *(10) include an analysis of, and recommenda-*  
12           *tions for, ways in which Federal, State, tribal, and*  
13           *local programs may best be coordinated (including*  
14           *the role of the National Park Service and other Fed-*  
15           *eral agencies associated with the Heritage Area) to*  
16           *further the purposes of this Act;*

17                    *(11) include an interpretive plan for the Herit-*  
18           *age Area; and*

19                    *(12) include a business plan that—*

20                     *(A) describes the role, operation, financing,*  
21           *and functions of the local coordinating entity*  
22           *and of each of the major activities described in*  
23           *the management plan; and*

24                     *(B) provides adequate assurances that the*  
25           *local coordinating entity has the partnerships*

1           *and financial and other resources necessary to*  
 2           *implement the management plan for the Herit-*  
 3           *age Area.*

4           *(c) TERMINATION OF FUNDING.—If the management*  
 5           *plan is not submitted to the Secretary in accordance with*  
 6           *this section, the local coordinating entity shall not qualify*  
 7           *for additional financial assistance under this Act until the*  
 8           *management plan is submitted to, and approved by, the*  
 9           *Secretary.*

10          *(d) APPROVAL OF MANAGEMENT PLAN.—*

11           *(1) REVIEW.—Not later than 180 days after the*  
 12           *date on which the Secretary receives the management*  
 13           *plan, the Secretary shall approve or disapprove the*  
 14           *management plan.*

15           *(2) CRITERIA FOR APPROVAL.—In determining*  
 16           *whether to approve the management plan, the Sec-*  
 17           *retary shall consider whether—*

18                   *(A) the local coordinating entity represents*  
 19                   *the diverse interests of the Heritage Area, includ-*  
 20                   *ing governments, natural and historic resource*  
 21                   *protection organizations, educational institu-*  
 22                   *tions, businesses, community residents, and rec-*  
 23                   *reational organizations;*

24                   *(B) the local coordinating entity has af-*  
 25                   *forded adequate opportunity for public and gov-*

ernmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(C) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

1                   (i) shall advise the local coordinating  
2                   entity in writing of the reasons for the dis-  
3                   approval; and

4                   (ii) may make recommendations to the  
5                   local coordinating entity for revisions to the  
6                   management plan.

7                   (B) *DEADLINE.*—Not later than 180 days  
8                   after receiving a revised management plan, the  
9                   Secretary shall approve or disapprove the revised  
10                  management plan.

11               (4) *AMENDMENTS.*—

12               (A) *IN GENERAL.*—An amendment to the  
13               management plan that substantially alters the  
14               purposes of the Heritage Area shall be reviewed  
15               by the Secretary and approved or disapproved in  
16               the same manner as the original management  
17               plan.

18               (B) *IMPLEMENTATION.*—The local coordi-  
19               nating entity shall not use Federal funds author-  
20               ized to be appropriated by this Act to implement  
21               an amendment to the management plan until the  
22               Secretary approves the amendment.

23 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

24               (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

1           (1) *IN GENERAL.*—*On the request of the local co-*  
 2           *ordinating entity, the Secretary may provide tech-*  
 3           *nical and financial assistance, on a reimbursable or*  
 4           *nonreimbursable basis (as determined by the Sec-*  
 5           *retary), to the local coordinating entity to develop*  
 6           *and implement the management plan.*

7           (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
 8           *may enter into cooperative agreements with the local*  
 9           *coordinating entity and other public or private enti-*  
 10          *ties to provide technical or financial assistance under*  
 11          *paragraph (1).*

12          (3) *PRIORITY.*—*In assisting the Heritage Area,*  
 13          *the Secretary shall give priority to actions that assist*  
 14          *in—*

15                (A) *conserving the significant natural, his-*  
 16                *toric, and cultural resources of the Heritage*  
 17                *Area; and*

18                (B) *providing educational, interpretive, and*  
 19                *recreational opportunities consistent with the*  
 20                *purposes of the Heritage Area.*

21          (b) *EVALUATION; REPORT.*—

22                (1) *IN GENERAL.*—*Not later than 3 years before*  
 23                *the date on which authority for Federal funding ter-*  
 24                *minates for the Heritage Area under section 11, the*  
 25                *Secretary shall—*

1           (A) conduct an evaluation of the accom-  
2           plishments of the Heritage Area; and

3           (B) prepare a report with recommendations  
4           for the future role of the National Park Service,  
5           if any, with respect to the Heritage Area, in ac-  
6           cordance with paragraph (3).

7           (2) *EVALUATION.*—An evaluation conducted  
8           under paragraph (1)(A) shall—

9           (A) assess the progress of the local coordi-  
10          nating entity with respect to—

11           (i) accomplishing the purposes of this  
12          Act for the Heritage Area; and

13           (ii) achieving the goals and objectives  
14          of the approved management plan for the  
15          Heritage Area;

16          (B) analyze the Federal, State, local, and  
17          private investments in the Heritage Area to de-  
18          termine the leverage and impact of the invest-  
19          ments; and

20          (C) review the management structure, part-  
21          nership relationships, and funding of the Herit-  
22          age Area for purposes of identifying the critical  
23          components for sustainability of the Heritage  
24          Area.

25          (3) *REPORT.*—

1           (A) *IN GENERAL.*—Based on the evaluation  
2           conducted under paragraph (1)(A), the Secretary  
3           shall prepare a report that includes rec-  
4           ommendations for the future role of the National  
5           Park Service, if any, with respect to the Heritage  
6           Area.

7           (B) *REQUIRED ANALYSIS.*—If the report  
8           prepared under this paragraph recommends that  
9           Federal funding for the Heritage Area be reau-  
10          thorized, the report shall include an analysis  
11          of—

12               (i) ways in which Federal funding for  
13               the Heritage Area may be reduced or elimi-  
14               nated; and

15               (ii) the appropriate time period nec-  
16               essary to achieve the recommended reduc-  
17               tion or elimination.

18          (C) *SUBMISSION TO CONGRESS.*—On com-  
19          pletion of a report under this paragraph, the  
20          Secretary shall submit the report to—

21               (i) the Committee on Energy and Nat-  
22               ural Resources of the Senate; and

23               (ii) the Committee on Natural Re-  
24               sources of the House of Representatives.

1 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2       (a) *IN GENERAL.*—*Nothing in this Act affects the au-*  
 3 *thority of a Federal agency to provide technical or financial*  
 4 *assistance under any other law.*

5       (b) *CONSULTATION AND COORDINATION.*—*To the max-*  
 6 *imum extent practicable, the head of any Federal agency*  
 7 *planning to conduct activities that may have an impact*  
 8 *on the Heritage Area is encouraged to consult and coordi-*  
 9 *nate the activities with the Secretary and the local coordi-*  
 10 *nating entity.*

11       (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*  
 12 *Act—*

13               (1) *modifies, alters, or amends any laws (includ-*  
 14 *ing regulations) authorizing a Federal agency to*  
 15 *manage Federal land under the jurisdiction of the*  
 16 *Federal agency;*

17               (2) *limits the discretion of a Federal land man-*  
 18 *ager to implement an approved land use plan within*  
 19 *the boundaries of the Heritage Area; or*

20               (3) *modifies, alters, or amends any authorized*  
 21 *use of Federal land under the jurisdiction of a Fed-*  
 22 *eral agency.*

23 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**  
 24 **TIONS.**

25       *Nothing in this Act—*



1           (1) abridges the rights of any owner of public or  
 2           private property, including the right to refrain from  
 3           participating in any plan, project, program, or activ-  
 4           ity conducted within the Heritage Area;

5           (2) requires any property owner to—

6                   (A) permit public access (including Federal,  
 7                   tribal, State, or local government access) to the  
 8                   property; or

9                   (B) modify any provisions of Federal, trib-  
 10                  al, State, or local law with regard to public ac-  
 11                  cess or use of private land;

12          (3) alters any duly adopted land use regulations,  
 13          approved land use plan, or any other regulatory au-  
 14          thority of any Federal, State, or local agency, or trib-  
 15          al government;

16          (4) conveys any land use or other regulatory au-  
 17          thority to the local coordinating entity;

18          (5) authorizes or implies the reservation or ap-  
 19          propriation of water or water rights;

20          (6) diminishes the authority of the States of  
 21          Massachusetts and New Hampshire to manage fish  
 22          and wildlife, including the regulation of fishing and  
 23          hunting within the Heritage Area; or

24          (7) creates any liability, or affects any liability  
 25          under any other law, of any private property owner

1       *with respect to any person injured on the private*  
 2       *property.*

3   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4       *(a) IN GENERAL.—There is authorized to be appro-*  
 5       *priated to carry out this Act \$10,000,000, of which not more*  
 6       *than \$1,000,000 may be made available for any fiscal year.*

7       *(b) AVAILABILITY.—Funds made available under sub-*  
 8       *section (a) shall remain available until expended.*

9       *(c) COST-SHARING REQUIREMENT.—*

10           *(1) IN GENERAL.—The Federal share of the total*  
 11       *cost of any activity under this Act shall be not more*  
 12       *than 50 percent.*

13           *(2) FORM.—The non-Federal contribution may*  
 14       *be in the form of in-kind contributions of goods or*  
 15       *services fairly valued.*

16   **SEC. 11. TERMINATION OF FINANCIAL ASSISTANCE.**

17       *The authority of the Secretary to provide financial as-*  
 18       *sistance under this Act terminates on the date that is 15*  
 19       *years after the date of enactment of this Act.*



Calendar No. 785

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 827**

[Report No. 110-353]

**A BILL**

To establish the Freedom's Way National Heritage  
Area in the States of Massachusetts and New  
Hampshire, and for other purposes.

JUNE 16, 2008

Reported with an amendment